IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4815 OF 2005

Anand V. Kochar & Ors. ..Applicants.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Harshad Bhadbhade for applicants.

Ms.S.V.Gajare, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 19, 2005.

P.C. :

1. Heard counsel for the applicants.

2. The argument which is canvassed before this court that no offence is made out against the applicants, can be effectively addressed even in the proceedings of discharge, if taken out by the applicants.

3. Counsel for the applicants submits that applicant No.2 and 3 are permanently residing at U.S.A. and U.K. respectively. The applicants are willing to avail of the remedy of discharge application, provided some protection is granted to the applicants to move such application before the

trial court. In so far as applicant No.1 is concerned, he is resident of Pune. He may file discharge application within four weeks from today, whereas applicants No.2 and 3 may take out discharge application within 6 weeks from today.

4. Counsel for the applicants now informs that applicant No.1 has already filed discharge application, which is pending before the trial court. If that is so, it was not open for the applicant No.1 to approach this court by way of present application. The said applicant cannot be permitted to take recourse to two parallel proceedings.

5. Be that as it may, in so far as, petitioner No.2 and 3 are concerned, they may file necessary application as may be advised before the trial court within 6(six) weeks from today. No precipitative action be taken against the applicants No.2 and 3/accused No.2 and 3 for a period of six weeks.

6. Application disposed of on the above terms. All questions are left open, to be decided in discharge application.